

REMARKS/ARGUMENTS

As indicated above, this Office Action is in response to the restriction requirement presented in this case on July 1, 2004. The restriction requirement actually sets forth two separate restrictions, the first being a restriction between the refrigerator as set forth in claims 1-25 and the method of establishing and maintaining a desired temperature in a refrigerator compartment as set forth in claim 26. Initially, the Applicant requests reconsideration of this restriction requirement, at least based on the grounds that the examination of one additional claim in this case would not present an undue burden on the Examiner, while the filing of a divisional application to cover the single method claim would represent a considerable expense to the Applicant. Clearly, the product and methods are in the same class and include analogous subject matter with respect to the recirculation of air flow in a refrigerator compartment through a filter pad and stirring fan arrangement. However, in order to fully comply with the requirement set forth by the Examiner, the Applicant would elect, if mandated by the Examiner, claims 1-25 drawn to the refrigerator for examination in this application.

The second part of the restriction requirement concerns a distinction between the species shown in Figures 1-3 and the species of Figures 4 and 5. Initially, it is respectfully submitted that Figure 1 is really generic to the overall invention. In any case, the Applicant would elect, without traverse, the species shown in Figures 4 and 5 for initial examination in this application. Although the Examiner has indicated that no claims are considered generic at this time, it is respectfully submitted that claims 1, 2, 4, 6-9 and 17-25 are generic to each of the species set forth in this application. In addition, claims 3, 5 and 10-13 read directly on the species of Figures 4 and 5. Therefore, based on the species election, withdrawal of claims 14-16 should be properly made. Of course, if a generic claim is later deemed to be allowable by the Examiner, the Applicant would look to consideration of the claims directed to the additional species which remain in either dependent form or otherwise include all the limitations of the allowed generic claim.

Finally, upon reviewing the claims in preparing this response, it was observed that claim 4 may raise a potential formal rejection from an antecedent basis standpoint. To this end, a minor change has been made to claim 4, without introducing any new matter to the application, to address this potential concern.

If the Examiner should have any additional concerns regarding these matters, he is cordially invited to contact the undersigned at the number provided below to further expedite the prosecution. In any case, based on the response presented above, examination of the invention on its merits is respectfully requested.

Respectfully submitted,



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